

MIKE McGINNESS  
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# Nevada Senate

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January 6, 2009

Chairman Julius Genachowski  
Commissioner Meredith Attwell Baker  
Commissioner Mignon Clyburn  
Commissioner Michael J. Copps  
Commissioner Robert M. McDowell  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: GN Docket No. 09-191

Dear Chairman Genachowski and Commissioners of the FCC:

As the Federal Communications Commission ponders the matter of "preserving an open Internet," I respectfully ask you to proceed with great caution and care. I remain wholly unconvinced that the proposed net neutrality rules are either necessary or appropriate.

Surely you have read your own filings on this matter in which you acknowledge that your agency's existing Internet policy, as adopted in 2005, "has helped preserve the openness of the Internet." That is why I'm perplexed as to why the agency would create formal rules and regulations of the Internet and Internet Service Providers in the absence of a significant crisis, problem or smoking gun.

If we are to preserve an open Internet, then a better course would be to ensure the Internet and development of its infrastructure remains consumer and market driven rather than government mandated. As a businessman, lawmaker and father, I'm concerned on many levels by the FCC's proposed actions.

According to news reports and public policy experts' own estimates, the move to bring broadband to every American will cost considerable money. To be certain, it's a worthy goal and smart investment. Conservative estimates suggest \$350 billion will be needed to build the networks necessary to handle the demands of universal broadband. In recent years, private sector investment in the Internet and network technologies has ballooned, and it's because of limited government interference and regulation in this industry sector.

Your proposed rules, I fear, would chill private investment, severely limiting development of the network capacity needed to reach every American. It also stands to benefit a chosen few and place undue restrictions on select segments of the Internet-based market. As proposed in GN Docket No. 09-191, your actions would, at best, be unfair and, at worst, stymie private investment, limit consumer choice and access and kill good paying American jobs. It's hardly the time or place to do any of those things.

I appreciate the opportunity to provide comment on this important issue for the Nevada residents I represent, and for every American.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike McGinness', with a stylized, sweeping flourish extending to the right.

Mike McGinness